

- Amendments to Part 32.4 of the General Regulations of the Superintendent (Required Disclosures) to Title 3 NYCRR, effective August 9, 1999 (State Register August 9, 1999).

Statutory Authority: Banking Law Sections 14.1, 108.8, 202, 235-c, 383.13.

The rule pertains to the required disclosures for maximum charges for payments made against insufficient funds, uncollected balances and return items.

The rule is necessary because it requires banks to disclose in writing to its depositors the order in which it pays items drawn against a depositor's account. This disclosure requirement was modified in 2006.

Comments on Banking Rulemakings may be submitted to Christine Tomczak, Assistant Counsel – Christine.Tomczak@dfs.ny.gov; (212) 709-1642; New York State Department of Financial Services, One State Street, New York, NY 10004.

#### 4. FINANCIAL SERVICES RULEMAKINGS

The following Financial Services rulemakings were adopted in 2021:

- Adoption of the first amendment to Part 400 (Independent Dispute Resolution for Emergency Services and Surprise Bills) to Title 23 NYCRR, effective August 13, 2021 (State Register July 14, 2021).

Statutory Authority: Financial Services Law Sections 202, 301, 302, and Article 6 and Insurance Law Section 301.

The amendment expanded the independent dispute resolution process to include disputes involving hospital bills for emergency services and inpatient services that followed an emergency room visit, and required health maintenance organizations, insurers authorized to do business in New York State, and physicians to provide certain notices and forms related to surprise bills and bills for emergency services to insureds.

Comments on this rulemaking may be submitted to Emily Donovan, Associate Attorney – Emily.Donovan@dfs.ny.gov; (518) 473-4177; New York State Department of Financial Services, One Commerce Plaza, Albany, NY 12257.

There were no new or amended Financial Services rulemakings adopted in 2019.

The following Financial Services rulemakings were adopted in 2014:

- Adoption of a new Part 1 (Debt Collection) to Title 23 NYCRR, effective March 3, 2015 (State Register December 3, 2014).

Statutory Authority: Financial Services Law Sections 202, 302 and 408

Part 1 set the standards for debt collection practices in New York, including necessary disclosures to consumers and requirements to verify a debt when an alleged debtor disputed the validity or amount of the debt.

The Department adopted the first amendment to Part 1 in 2015 (effective and published in the State Register on September 9, 2015) to eliminate the word "written" since such direction already was included in the rule and was repetitive and unnecessary; eliminate the option that a debt collector may provide a copy of a judgment against a consumer in order to substantiate a debt because the rule does not regulate collections of money judgments; and amend the required disclosure of consumers' rights under the Exempt Income Protection Act for clarity and consistency with the rest of the regulation.

Comments on this rulemaking may be submitted to Meredith Weill, Deputy General Counsel for Consumer Protection and Financial Enforcement, Office of General Counsel, – Meredith.Weill@dfs.ny.gov; (212) 480-5279; New York State Department of Financial Services, One State Street, New York, NY 10004.

### New York State Gaming Commission Five-Year Review of Existing Regulations

As required by section 207 of the State Administrative Procedure Act, the following is a list of rules adopted by the New York State

Gaming Commission (including rulemaking of its legacy agencies, the Division of Lottery and the Racing and Wagering Board) in the calendar years 2019, 2014, 2009, 2004 and 1999, which must be reviewed in calendar year 2024. This list does not include rules that were adopted as consensus or emergency rules, or rules that have been largely amended or repealed. Public comment on the continuation or modification of these rules is invited and will be accepted until Monday, March 18, 2024. Comments may be submitted to Kristen M. Buckley, Acting Secretary of the New York State Gaming Commission, One Broadway Center, Suite 600, Schenectady, New York 12301-7500 or by electronic mail at gamingrules@gaming.ny.gov.

#### RULES ADOPTED IN 2019

##### Horse racing

SGC-42-18-00015 Permit greater purse-to-price ratio in Thoroughbred claiming races

The Commission adopted an amendment to add flexibility to the Thoroughbred claiming-price rule in appropriate circumstances. The underlying rule, which was adopted in 2012, established that a minimum price for which a horse may be entered in a claiming race shall not be less than 50 percent of the value of the purse for the race. The amendment provided flexibility for Commission approval, on a case-by-case basis for all or a portion of a race meeting, to allow a lower minimum claiming price, while requiring the track to meet increased requirements to ensure the competitiveness, soundness and safety of the horses that enter any such races. The legal basis for the rule is Racing, Pari-Mutuel Wagering and Breeding Law ("RWL") §§ 103 and 104.

##### SGC-01-19-00018 Backstretch worker housing

The Commission added standards for housing maintained on the grounds of racetracks hosting 200 or more beds in one or multiple locations. The rule set forth standards for buildings and residential rooms, sanitary, water, garbage removal and pest control. The rule was generally modeled after the New York Department of Health's Migrant Farmworker Housing regulations. The legal basis for the rule is RWL § 104.

##### SGC-40-18-00006 Thoroughbred minimum penalty enhancements

The Commission revised the Thoroughbred racing rules on minimum penalty enhancement. These underlying rules, adopted by the Commission in 2016, were designed to ensure that every state imposes a mandatory minimum penalty whenever a horseperson, typically the trainer, reaches a certain level of multiple equine drug violations. The amendment conformed New York's rules to changes in the national model rules adopted by the Association of Racing Commissioners International, Inc. The amendment focused the MMV system on those who consistently violate serious medication and anti-doping rules. The legal basis for the rule is RWL §§ 103 and 104.

##### SGC-01-19-00017 Thoroughbred safety helmets and vests

The Commission updated the requirements for helmets and safety vests worn by persons on horseback on the grounds of Thoroughbred racetracks. The rule identified applicable product standards and expanded the requirement of wearing safety helmets and vests to any person mounted on a horse. The rule also expanded the requirement to wear a safety helmet to apply to the starting gate crew. The legal basis for the rule is RWL §§ 103 and 104.

##### SGC-01-19-00002 Thoroughbred treatment before a race

The Commission amended Thoroughbred regulations to adjust the timing when permissible for ultrasonic, diathermy or other electro/medical equipment treatment that may be provided to a horse. Ultrasonic treatment involves the use of sound waves with a frequency above the limit of human hearing. Diathermy involves the production of heat in a part of the body by high-frequency electric currents. This rule allowed such treatment of horses until 24 hours before post time of a horse's race, rather than 24 hours before the start of the race program. The legal basis for the rule is RWL §§ 103 and 104.

##### SGC-17-19-00009 Thoroughbred pick-six jackpot wager

The Commission added a pick-six jackpot wager as a permissible wager in Thoroughbred racing. The wager, also known as a "jackpot" or "rainbow" wager, appeals to bettors by giving a larger prize when there is only one winning wager from a pool. If there are more than

one winning ticket, then the major portion of the day's pool is paid out to those who selected six of six winners, and the minor pool is added to the carryover. The carryover gets paid out when there is a unique winning ticket, or when there is an intermediate or final distribution as approved by the Commission, which would occur typically at the end of a race meeting. The legal basis for the rule is RWL §§ 103 and 104.

#### Lottery

##### SGC-17-18-00002 Courier services

The Commission added new rules to authorize a new category of lottery licensee to take requests through a computer or mobile device to purchase lottery draw game tickets on behalf of the customer and then either deliver the purchased tickets to the customer or credit the customer with winnings cashed by the courier service as agent of the customer, if the winnings are under or at a \$600 threshold. Carrying on a business in which a person acts as an agent for another person in purchasing a lottery ticket is prohibited unless licensed pursuant to the regulations. The rules provided that a lottery ticket would be issued and valid only when generated from an approved lottery terminal and assigned to the purchaser (and not when a customer places a request for courier services, requests a ticket purchase or receives confirmation of a placed request). The rules required disclosures to potential customers and to the Commission, geolocation of customers within the State of New York, consumer protections, capability of potential customers to self-exclude or establish play limits, independent third-party testing of systems, independent audits, prohibitions against orders by minors or other prohibited persons, establishment of a trust account for prize payments and protections for the State against liability. The rules established a licensing process to ensure technical and regulatory compliance. The legal basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604, 1605, 1607 and 1609.

##### SGC-13-19-00023 Cash 4 Life

The Commission amended certain features of the multi-state Cash 4 Life lottery draw game, which New York offers along with Florida, Georgia, Indiana, Maryland, New Jersey, Pennsylvania, Tennessee and Virginia. Frequency of drawings may be daily, instead of twice per week. The legal basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604, 1612 and 1617.

#### Casinos

##### SGC-38-18-00002 Head Up Hold 'Em

The Commission added a new rule to govern the addition of a poker table game called Heads Up Hold 'Em. The legal basis for the rule is RWL §§ 104, 1307 and 1335.

##### SGC-38-18-00003-RP Casino fees and payments

The Commission added new rules to address procedures for the annual license fees for machines and tables, procedures for transmitting payments to the Commission, rules for overdue payments, rules for regulatory investigative fees and costs, rules for regulatory cost assessment and procedures for distribution of taxes to counties. The legal basis for the rule is RWL §§ 103 and 104.

##### SGC-12-19-00007 Sports wagering

The Commission added new rules to govern sports wagering in sports lounges at the four licensed commercial casinos. These rules implemented RWL section 1367 after the United States Supreme Court ruled that the federal Professional and Amateur Sports Protection Act, which had prevented the states from authorizing sports wagering, was unconstitutional. *Murphy v. National Collegiate Athletic Ass'n*, 138 S. Ct. 1461 (2018). The rules protect integrity of wagering and underlying contests and ensure that sports wagering remains within the scope of activity the legislature authorized. The rules contained definitions applicable to sports wagering; procedures governing the filing, processing, investigation and determination of a sports pool license; term of license; vendor licensing requirements; a continuing duty to report material changes to an application; licensing of individuals; prohibited associations with illegal gamblers; required internal controls would need to be approved by the Commission prior to operation; physical lounge requirements; system requirements; requirements for automated ticket machines; regulation of house rules for sports gambling; approval of wager types; requirements for parlay card wagers; layoff wagers as a risk management tool; availability of

information to patrons; requirements for wagering tickets; restrictions of wagering by prohibited persons; procedures for redeeming winning tickets; requirements for when a wager may be cancelled; prohibition on structuring of multiple wagers to circumvent regulatory requirements; regulation of customer complaints; operator reserve requirements; duties to report dishonest or unlawful acts or suspicious betting activity; procedures to promote sports pool integrity, including monitoring of unusual betting activity and identification of suspicious activity; procedures for tax payment and reporting; accounting and financial record requirements; responsible gaming; discipline for violations. The legal basis for the rule is RWL §§ 104, 1307 and 1367.

#### Other

##### SGC-47-18-00009 Self-Exclusion

The Commission adopted consolidated and amended regulations for self-exclusion from gaming activities. The rule centralized Commission self-exclusion policies and made self-exclusion universal throughout the various forms of gaming Statewide, rather than limit it to one form of gambling or another. The rule required that a person file a request for self-exclusion and include the length of exclusion sought (one year, three years, five years or lifetime). A self-excluded person is prohibited from collecting gambling winnings or recovering any gambling losses occurring during the exclusion period and is subject to possible arrest for trespass if found on the premises of a place from which the person is excluded. Upon registration, the excluded person is required to release any claims that could arise from a failure by the State, Commission or Commission licensees or operators of gaming activity to withhold or restore gaming privileges or from confiscation of such person's gambling winnings. A gaming operator is required to establish procedures and training for its employees to identify and manage any self-excluded persons found to be present on a gaming floor or involved in gaming-related activities. The legal basis for the rule is RWL §§ 103, 104, 111 and 1344.

#### RULES ADOPTED IN 2014

##### SGC-40-13-00002 Corticosteroid joint injection disclosure

This rulemaking added a new rule, subdivision (c) of 9 NYCRR § 4038.5, to require a person whose thoroughbred horse is claimed to disclose any corticosteroid joint injection treatments given to the horse in the previous 30 days to the new owner, so the new owner knows about the horse's joint issue and treatment. The legal basis for the rule is RWL §§ 103, 104 and 122.

##### SGC-47-13-000016 Extracorporeal shock wave therapy

This rulemaking added a new rule, 9 NYCRR § 4043.14, to require the registration of shock and pulse wave therapy equipment used to treat thoroughbred racehorses, reporting the use of the equipment, and prohibiting such therapies within 10 days before a horse trains at speed or races. The legal basis for the rule is RWL §§ 103, 104 and 122.

##### SGC-49-13-00019 Tests required after Depo Medrol administration

This rulemaking added a new rule, subdivision (k) of 9 NYCRR § 4043.2, to require a thoroughbred horse treated with methylprednisolone acetate ("Depo Medrol") to test below a regulatory threshold (9 NYCRR § 4043.3) for the drug and be released by the stewards to race, because the long half-life of the drug makes it difficult to regulate with a restricted time period alone. The legal basis for the rule is RWL §§ 103, 104 and 122.

##### SGC-49-13-00020 Regulatory thresholds for 24 drugs

This rulemaking added a new rule, 9 NYCRR § 4043.3, to supplement the restricted time periods with regulatory thresholds, consistent with national standards, and to control the use of 24 common equine drugs in a thoroughbred horse before it races. The thresholds are designed to keep a horse from racing while a drug is affecting its performance. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-49-13-00021 Limiting corticosteroids that may be used systemically

This rulemaking amended paragraph (1) of subdivision (i) of 9 NYCRR § 4043.2 to limit the corticosteroids that may be administered systemically to a thoroughbred horse within a week of racing, i.e., until five days before the race, to prednisolone and dexamethasone, which are the only ones whose use within five days can be determined accurately by laboratory testing. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-49-13-00005 Out-of-competition tests and prohibited substances

This rulemaking amended 9 NYCRR § 4120.17 to modify the procedures to follow when collecting samples from standardbred racehorses that are not entered to race, and to more clearly describe the doping agents that may not be administered at any time. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-15-14-00022 48-hour restricted time period for flunixin

This rulemaking repealed subdivision (d) and amended subdivision (e) of 9 NYCRR § 4043.2, to no longer permit the non-steroidal anti-inflammatory drug (“NSAID”) flunixin to be administered within 48 hours before a thoroughbred horse races, standardize the restricted time period for NSAIDs, and preclude horses from violating a newly adopted flunixin regulatory threshold. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-37-14-00006 Limiting three corticosteroids to joint injections

This rulemaking amended paragraph (2) of subdivision (i) of 9 NYCRR § 4043.2 to limit three corticosteroids (betamethasone, methylprednisolone and triamcinolone) to use only for joint injections, so that their use in compliance with a newly adopted restricted time period could be determined accurately by laboratory testing. The legal basis for the rule is RWL §§ 103, 104 and 122.

SGC-14-14-00011 Cash 4 Life lottery game

This rulemaking added a new rule, 9 NYCRR § 5007.15, to add a new game, Cash 4 Life, to the multi-jurisdictional lottery games offered in New York, because innovative games generate more revenue. The legal basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604, 1612 and 1617.

SGC-24-14-00001 Restriction on using public assistance benefits for gaming

This rulemaking amended 9 NYCRR §§ 4009.3, 4122.3, 4500.9, 5113.1, 5113.5, 5113.7 and 5113.8 and added new rules, 9 NYCRR §§ 4404.18, 4822.25 and 5117.7, to restrict the acceptance of public assistance benefits in racetracks, off-track betting facilities, video lottery facilities and commercial bingo establishments and to comply with new legislation. The legal basis for the rules is L. 2014, ch. 58, part F, § 3; RWL §§ 104, 235, 310 and 520; and Tax Law §§ 1604 and 1617-a.

SGC-32-14-00005 Monopoly@ Millionaires’ Club lottery game

This rulemaking added a new rule, 9 NYCRR § 5007.16, to add a new game, Monopoly@ Millionaires’ Club, to the multi-jurisdictional lottery games offered in New York, because innovative games generate more revenue. The legal basis for the rule is RWL §§ 103 and 104 and Tax Law §§ 1601, 1604, 1612 and 1617.

RULES ADOPTED IN 2009

Rules adopted by the Division of Lottery:

LTR-53-08-00015 Operation of video lottery gaming

This rulemaking amended 21 NYCRR §§ 2836-6, 2836-7, 2836-12, 2836-18, 2836-19, 2836-20, and 2836-34 to clarify and update the Commission rules for licensing and regulating the operation of video lottery gaming (“VLG”). The process to license non-key VLG employees was simplified and the license-denial criteria explicated in § 2836-6 (now Part 5105 of 9 NYCRR). The requirements for renewing a VLG license in § 2836-7, and for a non-gaming vendor license in § 2836-12 (now Part 5110 of 9 NYCRR), were repealed in view of the experience Lottery gained while regulating VLG. The marketing allowance in § 2836-18 (now Part 5116 of 9 NYCRR) was amended to reflect changes in Lottery’s management and amendments to statutory law. Self-exclusion was expanded to longer periods of self-exclusion without the ability to petition for premature reinstatement in § 2836-19 (now Part 5117 of 9 NYCRR). The description of persons prohibited from playing VLG was conformed to industry standards in § 2836-20 (also now Part 5117 of 9 NYCRR). The process to obtain a capital award was added in § 2836-24 (now Part 5122 of 9 NYCRR). The legal basis for the rules is Tax Law §§ 1604, 1612 and 1617-a.

Rules adopted by the Racing and Wagering Board:

RWB-34-08-00003 Bonus ball bingo

This rulemaking added a new subdivision (af) to 9 NYCRR

§ 5800.1 and a new 9 NYCRR § 5820.57, to create a new bingo game that features a bonus ball, because innovative games generate more revenue for charitable organizations and their worthy causes. 9 NYCRR §§ 5800.1 and 5820.57 have been renumbered 9 NYCRR §§ 4800.1 and 4820.57. The legal basis for the rules is Executive Law § 435.

RWB-52-08-00013 Allowing audible alert on electronic bingo aids

This rulemaking amended subdivision (d) and added a new subdivision (e) to 9 NYCRR § 5823.2 to permit the sale of electronic bingo aids that will emit an unobtrusive audio alert when a winning pattern has been obtained, and thereby assist persons who wish to play multiple bingo cards. 9 NYCRR § 5823.2 has been renumbered 9 NYCRR § 4823.2. The legal basis for the rule is Executive Law § 435.

RWB-43-09-00001 Out-of-competition drug testing of race horses

This rulemaking added a new rule for thoroughbred racing, 9 NYCRR § 4043.12, and for standardbred racing, 9 NYCRR § 4120.17, to delineate the procedures to follow when collecting samples from racehorses that are not entered to race or on the grounds of a licensed racetrack, and to prohibit the administration of certain doping agents to any racehorse at any time. The collection procedures in 9 NYCRR § 4043.12 were amended to incorporate agency protocols, and renumbered 9 NYCRR § 4012.5, on July 18, 2012 (RWB-08-12-00001). Section 4043.12’s substance-prohibitions were repealed and replaced on August 1, 2018 (SGC-19-18-00004). Section 4120.17 was amended in 2014 (SGC-49-13-00005), supra. The legal basis for the rules is RWL §§ 103, 104 and 301.

RULES ADOPTED IN 2004

No rules were adopted by the Division of Lottery.

Rules adopted by the Racing and Wagering Board:

RWB-50-03-00001 Stewards discretion when placing horse after foul

This rulemaking amended subdivision (b) of 9 NYCRR § 4035.2 to clarify the stewards’ discretion to determine, based on the impact of a horse’s interference with other horses in a thoroughbred race, the placement of the offending horse in the race. The legal basis for the rule is RWL §§ 103, 104 and 218.

RWB-25-04-00003 Comprehensive bingo amendments

This rulemaking amended 9 NYCRR §§ 5812.9, 5814.15, 5815.11, 5815.14, 5815.20, 5820.8, 5820.12 through 5820.20, 5820.27, 5820.30, 5820.34, 5820.39, 5820.42, 5820.47, 5820.49, 5820.51 through 5820.54, 5820.56, 5821.18, 5822.5, 5822.10 and 5822.11 to revise the bingo rules. The amendments better clarify and instruct, permit new games and prizes, and remove antiquated and unneeded restrictions related to bonus prizes, bookkeeper fees, sales of packages of bingo cards, tiered bingo games, video as a substitute for assistant callers, and multi-colored balls. Part 5800 of 9 NYCRR has been renumbered Part 4800. The legal basis for the rules is Executive Law § 435.

RWB-33-04-00006 Trifecta wagering with five-entry fields

This rulemaking amended subdivision (i) of 9 NYCRR § 4011.22, to permit trifecta wagering when a thoroughbred field comprises only five horses. The legal basis for the rule is RWL §§ 103, 104 and 235.

RWB-34-04-00003 Voluntary exclusion from pari-mutuel wagering venues

This rulemaking added new Parts 4044, 4123, 4237, and 5212 to 9 NYCRR, to establish a procedure for persons to exclude themselves from entering the premises of racetracks, off-track betting parlors and simulcast theaters and to place limits on the amount a person may wager by telephone. Part 5212 of 9 NYCRR has been renumbered Part 4412. The legal basis for the rules is RWL §§ 103, 104 and 235.

RULES ADOPTED IN 1999

Rules adopted by the Division of Lottery:

LTR-20-99-00008

This rulemaking amended Parts 2804 and 2817 of 21 NYCRR to repeal the Take Five subscription program and to revise the prize structure and other features of the Lotto game to make the game easier to play and to adapt to changes in long-term interest rates. Parts 2804 and 2817 have been renumbered Parts 5004 and 5017. The legal basis of the rules is Tax Law § 1604.

Rules adopted by the Racing and Wagering Board:

RWB-18-99-00001 Internet posting to assist compulsive gamblers

This rulemaking amended §§ 4003.54, 4101.40, 4204.14 and 5204.17 of 9 NYCRR, to require racetracks and off-track betting corporations that maintain a website to post on their homepage a message designed to assist compulsive gamblers. Section 5204.17 has been renumbered 4404.17. The legal basis for the rules is RWL §§ 103, 104, 111, 518 and 520.

RWB-23-98-00005 Games of chance regulations for veterans' organizations

This rulemaking amended 9 NYCRR § 5624.21 to remove veterans' organizations from the Commission's pre-approval requirement for the expenditure of proceeds from the conduct of games of chance and to remove some of the restrictions on such expenditures. Section 5624.21 had been renumbered § 4624.21. The legal basis for the rule is General Municipal Law §§ 186 and 188-a.

## Department of State

RULES ADOPTED BY THE DEPARTMENT OF STATE IN 2021, 2019, 2014, 2009, 2004 AND 1999 THAT WILL BE REVIEWED IN 2024

The rules listed below were adopted by the Department of State in calendar years 2021, 2019, 2014, 2009, 2004 and 1999. Pursuant to section 207 of the State Administrative Procedure Act, this Department will review these rules in calendar year 2024 to determine whether they should be modified or continued without modification.

This list does not include rules that were adopted as consensus or emergency rules, or rules that were adopted during an above-indicated year and then subsequently amended or repealed during a year that is not indicated above. The Notice of Proposed Rulemaking for the below-listed rules required the preparation of a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement.

RULES ADOPTED IN 2021

(1) DOS-37-20-00016 Siting Permits for Major Renewable Energy Facilities

Subpart 900-6 was added to Title 19 of NYCRR in relation to siting permits for major renewable energy facilities.

Analysis of the need for the rule: The rule was needed to establish uniform standards and conditions for siting, design, construction & operation of major renewable energy facilities.

Legal Basis for the rule: Executive Law, section 94-c(3)(b)

(2) DOS-37-20-00015 Siting of Major Renewable Energy Facilities

Subparts 900-1 - 900-5 and 900-7 - 900-14 were added to Title 19 of NYCRR in relation to the siting of major renewable energy facilities.

Analysis of the need for the rule: The rule was needed to establish procedural requirements for permits for siting, construction and operation of major renewable energy facilities.

Legal Basis for the rule: Executive Law, section 94-c(3)(g)

(3) DOS-48-20-00010 Procedures and Requirements Related to the Filing of Certificates

Sections 150.1, 154.3, 154.4, 154.5(a), (c), (d), and 156.3(d) were amended; and section 150.8 was added to Title 19 of NYCRR regarding procedures and requirements for certain filings.

Analysis of the need for the rule: The rule was needed to clarify and update procedures related to the filing of certificates with the Department's Division of Corporations.

Legal Basis for the rule: Executive Law, section 91

(4) DOS-51-20-00004 Fair Housing Requirements for Appraisers

Section 1107.2 was amended; and sections 1107.33 and 1107.34 to Title 19 of NYCRR were added in relation to Fair Housing requirements concerning Appraisers and Assistant Appraisers.

Analysis of the need for the rule: The rule was needed to mandate fair housing education as a condition of license renewal for appraisers.

Legal Basis for the rule: Executive Law, section 160-d

(5) DOS-05-21-00013-P Filing, review and publication of financial reports

Part 146 was added to Title 19 of NYCRR to provide procedures related to the filing, review and publication of financial reports.

Analysis of the need for the rule: The rule was needed to provide procedures related to the filing, review and publication of financial reports filed with the Department of State.

Legal Basis for the rule: Executive Law, sections 91, 172-e, and 172-f

(Section 146.1 was subsequently amended to correct a technical error regarding the definition of a "Qualifying 501(c)(4) entity" for the purposes of Part 146, eff. 10.19.22.)

(6) DOS-12-21-00010 NYS Uniform Fire Prevention and Building Code (Uniform Code)

Section 1219.1 was amended, and Part 1228 was added to Title 19 of NYCRR to incorporate provisions applicable to rail stations.

Analysis of the need for the rule: The rule was needed to amend the existing Uniform Code to add specific provisions pertaining to rail stations.

Legal Basis for the rule: Executive Law, section 377

(Section 1219.1 was amended to indicate the addition of a new Part 1229 (Other Uniform Code Provisions), eff. 7/6/22; and sections 1228.4 - 1228.17 were repealed, eff. 5/12/20.)

(7) DOS-19-21-00014 Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code

Part 1203 was repealed and a new Part 1203 was added to Title 19 of NYCRR regarding minimum standards for administration and enforcement of the Uniform Code and Energy Code.

Analysis of the need for the rule: The rule was needed to revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code.

Legal Basis for the rule: Executive Law, sections 381 and 382

RULES ADOPTED IN 2019

All rules permanently adopted by the Department in 2020 were adopted as consensus rules, or have since been amended and will be reviewed again no later than in the fifth calendar year after the year in which the last amendment was adopted.

RULES ADOPTED IN 2014

(1) DOS 36-13-00004 Pet Cemeteries Seeking to Inter the Cremated Remains of Pet Owners with the Remains of Their Pets

Section 201.19 was added to Title 19 of NYCRR regarding pet cemeteries.

Analysis of the need for the rule: The rule was needed to permit pet cemeteries to inter the cremated remains of pet owners with the remains of their pets.

Legal basis for the rule: Executive Law, section 91; General Business Law, section 750-d; and Not-for-Profit Corporation Law, section 1504(c)

(2) DOS-10-14-00004 Real Estate Broker Record Retention

Section 175.23 of Title of 19 NYCRR was amended in relation to records retention requirements for brokers.

Analysis of the need for the rule: The rule was needed to update regulations requiring real estate brokers to retain certain business records.

Legal basis for the rule: Real Property Law, section 442-k(1)

(3) DOS-41-14-00020 Appraiser Certification and License Update Requirements

Sections 1103.6(b), (e), (g); 1103.10(b); and 1107.12 were amended; and section 1107.4(a)(1) was added to Title 19 of NYCRR concerning appraiser certification.

Analysis of the need for the rule: The rule was needed to conform certain appraiser qualifications to federal standards, including: section 1103.6 Residential Course Outlines, regarding subdivisions (b) - R-6/Basic Appraisal Procedures, (e) - R-9/Residential Sales Comparison and Income Approaches, and (g) - R-11/Advanced Residential Applications and Case Studies; section 1103.10 General Course Outlines regarding subdivision (b) - G-5/General Appraiser Sales Comparison Approach; section 1107.12 Basic Course of Study Requirements; and